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Present: Mr.Pankaj Jain, Adv. for petitioner
Mr. Lalit Gupta, Adv. for respondent

+CM(M) No.37/2007
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1. These are proceedings under Article 227 of the Constitution of India. My concern would be a limited concern to see whether the Court concerned has acted within the bounds of its jurisdiction or while exercising jurisdiction has acted in a manner which is perverse causing injustice to the opposite party.

2. By and under the impugned order, the wife and minor daughter of late Shri Dalchand Jain have been held entitled to maintenance in respect of the property, claim to inheritance for which has been laid by the petitioner Amit Jain on the basis of a will stated to have been executed by late Sat Narain.

3. To appreciate the rival claims, suffice would it be to note that Sat Narain married Maya Devi. A property bearing municipal No.WZ-34, Gali No.1, Sri Nagar, Shakur Basti was owned by Maya Devi. On her death, being issueless, Sat Narain inherited the property.

4. Sat Narain got married to one Kiran Mala Jain. Whereas respondents claim that Dalchand Jain, husband of the first respondent and father of the second respondent was the

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natural born son of Sat Narain and Mala Jain. Claim of the petitioner is that Dalchand was adopted by late Sat Narain and Kiran Mala Jain.

5. That issue will be irrelevant for the reason both parties are not at variance that Dalchand was the son of Sat Narain (whether natural or adopted).

6. The learned Trial Judge has returned a prima facie opinion in respect of the right of maintenance of respondent No.1. The right has been predicated under Section 18 and 19 of the Hindu Adoption & Maintenance Act 1986. Section 19 confers a statutory right on a widow daughter-in-law to be maintained by her father-in-law.

7. Respondents had obtained an order for maintenance during the lifetime of late Sat Narain and Kiran Mala Jain for the reason Dalchand Jain had died during their lifetime. It is said order which is being enforced against the estate which is subject matter of controversy between the parties.

8. No merits in the petition.

9. Dismissed.

January 10, 2007 PRADEEP NANDRAJOG, J
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